

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1199 of 2022

Arising Out of PS. Case No.-20 Year-2021 Thana- VALMIKINAGAR District- West
Champaran

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1. Pradeep Ram Son of Ram Kishun Ram Resident of village - Rampurwa, P.S. - Valmikinagar, District - West Champaran.
 2. Dishu Ram Son of Ram Kishun Ram Resident of village - Rampurwa, P.S. - Valmikinagar, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Sanjay Ram Son of Late Bhikham Ram Resident of village - Rampurwa, P.S. - Valmikinagar, District - West Champaran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Zainul Abedin, Advocate
For the State	:	Mr. Binay Krishna, Spl. PP
For the Informant	:	Mr. Milind Kumar Mishra

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-07-2022 1. Heard learned counsel for the appellants, learned Special P.P. for the State and learned counsel for the informant, on point of admission and on merit also.

2. The appellants have preferred the present appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') against the order dated 14.03.2022 passed by the learned Additional District and Sessions Judge-I-cum-Special Judge, Bettiah, West Champaran in connection with Valmikinagar P.S. Case No. 20 of 2021 registered under Sections 147, 148, 149, 324, 302, 504 and 34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v-



a) and 3(2)(v) of SC & ST (Prevention of Atrocities) Act.

3. Present appeal is well within limitation as prescribed under Section 14A(3) of the Act.

4. Notice has been issued to Respondent no.2, served upon and duly represented.

5. Appellants are named in F.I.R. and are in custody since 17.09.2021.

6. The allegation against the appellants is to commit murder of the father of the informant, alongwith other co-accused persons.

7. Learned counsel for the appellants submitted that the allegation against the appellants is very much general and omnibus, rather same is against the co-accused, namely, Nagendra Ram, whose prayer of bail has already been rejected by one of the learned Co-ordinate Bench of this Court through Cr. Appeal (SJ) No. 4129 of 2021 dated 05.01.2022. It is submitted that similarly situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Appeal (SJ) No. 4086 of 2021 dated 05.01.2022. It is further submitted that, admittedly, there is land dispute between the parties and, moreover, from bare perusal of the F.I.R., it appears that there is no abuse by caste



name, which may attract atrocities within the meaning of the Act. It is pointed out that appellant no.1 is involved in one more criminal case, in which he is on bail whereas appellant no.2 is a man of clean antecedent. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

8. Learned counsel for the appellants submitted that if insult is not caused to complainant/informant on the basis of caste, no case is made out under the Act, as it was held in ***State of Madhya Pradesh Vs. Parasram @ Purushottam, as reported in 2015 (153) AIC 276.***

9. Learned Special P.P. for the State duly assisted by learned counsel for the informant, opposes the prayer of bail and conceded the fact that specific allegation, as regard to fatal blow causing death of father of the informant, is specific against co-accused, namely, Nagendra Ram.

10. Considering the facts and circumstances, as mentioned above, as allegation, as regard to assault, is very much general and omnibus against the appellants, rather same is specific against co-accused, namely, Nagendra Ram coupled with the fact that chargesheet has already been submitted, let



both the appellants, above named, are directed to be released on bail in connection with Valmikinagar P.S. Case No. 20 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-I-cum-Special Judge, Bettiah, West Champaran/concerned Court, subject to the following conditions:

“(i) That accused/appellants shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the appellants.

(ii) Appellants shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the appellants, duly supported by the documents.

(iii) That one of the bailors shall be Meen Devi, who is the sister of the



appellants and deponent of the present
appeal.”

11. Accordingly, impugned order dated 14.03.2022 is
set aside.

12. Hence, appeal stands allowed.

(Chandra Shekhar Jha, J)

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